

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

KORDEV LLC,

Plaintiff,

v.

No. 2:21-cv-01341-NR

EAGLE HEMP,

Defendant.

JOINT STATUS REPORT

Pursuant to the Court's Amended Case Management Order (Doc. 47), the parties have conferred and hereby provide the following discovery status update.

A. Discovery Completed to Date

Plaintiff: Plaintiff served document requests on December 28, 2022, to which Defendant served objections on January 27, 2023, without producing any documents. Plaintiff promptly initiated meet-and-confer discussions. Based on those discussions and, in particular, a telephone call on February 1, 2023, it appeared most, and perhaps all, of the issues were resolved and there would not be need to involve the Court. Despite follow ups, however, Defendant did not make any document production. In the meantime, after Defendant finally served its answer and counterclaim on January 31, 2023, Plaintiff served interrogatories and a second set of document requests on February 8, 2023. Following a telephone conference on March 7, 2023, Defendant finally made its first document production late in the day and into the night of Friday, March 10, 2023. Plaintiff is in the process of reviewing Defendant's recent document production but is not yet in a position to assess the completeness of Defendant's production.

Defendant did not serve any written discovery on Plaintiff until January 30, 2023. Plaintiff

timely responded to those requests and produced a number of documents. Plaintiff expects to have some additional documents to produce within the next three to five days.

Defendant: Defendant has served all or substantially all of its written discovery requests and produced substantially all of its documents. Plaintiff's second set of document requests, which included the vast majority of the documents sought, and first set of interrogatories were due on Friday March 10. Defendant timely served its responses on March 10 along with the vast majority of its documents. Defendant will be completing its document production over the next few days. Defendant has also served all or substantially all of its interrogatories.

B. Discovery That Remains

The Parties are in the process of scheduling depositions for the end of March and the beginning of April.

Plaintiff: No depositions have been taken yet. Plaintiff initiated attempts to schedule depositions on February 9, 2023, and provided a draft Rule 30(b)(6) notice on February 10, 2023. Defendant, however, did not respond regarding the proposed dates or otherwise until Plaintiff followed up in early March. In the conference on March 7, 2023, the parties discussed potential dates and movement has finally begun towards setting dates, but no depositions have been noticed yet.

Having just received Defendant's document production, Plaintiff is not yet certain as to the full extent of the depositions that will be needed. Plaintiff previously anticipated noticing at least three depositions, with the possibility of one or two more; having begun review of Defendant's document production, however, it appears likely that more will be needed. Further, pending completion of the review of Defendant's document production, Plaintiff expects there may be a need for some additional written discovery.

Plaintiff has a trial commencing April 17 and thus will have limited availability the week of April 10 to allow for trial preparation, but will endeavor to schedule around those conflicts as much as possible. However, given the delay in Defendant's document production it is likely that some additional time will be needed to complete discovery.

Defendant: On February 9, 2023, Defendant responded to Plaintiff's request for initial deposition dates of Defendant's principal, also requesting if Plaintiff could provide deposition dates for its principal. Defendant also inquired as to whether Plaintiff would accept service for one of the witness Plaintiff disclosed in its initial disclosures. Plaintiff declined to provide a date at that time and declined to accept service of the subpoena. Defendant anticipates that 5 depositions will take place between both parties. Plaintiff's counsel has informed Defendant that they will be unavailable the final week of discovery to prepare for a week-long trial beginning April 17. It is possible the parties may request additional time to complete depositions if Plaintiff is not available during the final week of discovery.

C. Discovery Disputes

Plaintiff: Plaintiff took issue with certain aspects of Defendant's responses to written discovery and initiated meet-and-confer discussions in January 2023. Based upon the discussions, there may or may not remain disputes. It will be necessary to complete the review of Defendant's March 10 document production before determining what, if any, disputes may remain. To date, Defendant has not taken issue with any of Plaintiff's discovery responses or document productions.

Defendant: There are no immediate outstanding (ripe) disputes given that Defendant is in the process of evaluating Plaintiff's document production and written discovery responses.

Defendant, however, anticipates that meet and confers will be necessary for both Plaintiff's written discovery responses and document production.

DATE: March 14, 2023

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Respectfully submitted,

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The undersigned hereby certifies that on this 14th day of March, 2023, the foregoing was filed with the Clerk of Court for the United States District Court for the Western District of Pennsylvania using the Court's CM/ECF system, which will send notification of such filing to all registered counsel of record.

/s/ Tillman J. Finley
Tillman J. Finley